

FILED  
BOARD OF PHYSICAL THERAPY  
DEC 18 2008

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PHYSICAL THERAPY EXAMINERS

### Administrative Action

CONSENT ORDER

This matter came before the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") upon the Board's random audit of licensed physical therapists and physical therapist assistants pursuant to N.J.A.C. 13:39A-9.4(d) who submitted license renewal applications to engage in the practice of physical therapy for the 2008-2010 biennial renewal period.

The renewal applications submitted by licensed physical therapists and physical therapists assistants included an acknowledgment regarding whether or not the licensees had completed thirty (30) continuing education credits during the period from February 1, 2006 through January 31, 2008 as required for the 2008-2010 biennial license renewal period pursuant to N.J.S.A. 45:9-37.18(a)10 and N.J.A.C. 13:39A-9.1 et. seq.

In response to the Board's audit, Minerva Fernandez, P.T. (hereinafter referred to as the "Respondent") provided information that indicated that she had completed a pre-approved course sponsored by Gary Knight entitled "Evaluation and Treatment of the Sacroiliac Joint" taken on October 20-21, 2007 for ten (10) continuing education credits and a pre-approved course sponsored by John F. Barnes entitled "Fascial-Pelvis Myofascial Release" taken on October 6-8, 2006 for twenty (20) continuing education credits. Upon a review of the submissions, the Board finds that the course entitled "Fascial-Pelvis Myofascial Release" is only pre-approved for eighteen (18) continuing education credits.

Based upon all the available information reviewed, the Board has found that the respondent has completed twenty eight (28) of the required continuing education credits. The Respondent's conduct in failing to obtain thirty (30) continuing education credits in the period from February 1, 2006 through January 31,

2008 establishes a basis for disciplinary action as the Respondent did not meet the requirements for renewal of her license to practice physical therapy as she failed to obtain the requisite thirty (30) continuing education credits within the two years preceding the renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

It appearing that the respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the respondent acknowledging and not contesting the findings of fact and conclusion of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS 18<sup>th</sup> DAY OF, December 2008

ORDERED that:

1. The Respondent's license to practice physical therapy, renewed on February 1, 2008 and in active status, will remain active on the condition that the Respondent submits documentation that she has satisfactorily completed an additional two (2) continuing education credits as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. within thirty days (30) of the filing date of this order. Respondent may submit

satisfactory proof of completion of continuing education courses relating to physical therapy which were not pre-approved by the Board for credit if the continuing education courses met the requirements of N.J.A.C. 13:39A-9.3(a) and the provider meets the requirements of N.J.A.C. 13:39A-9.6. Failure to comply with this condition within the stated time period will result in the automatic and immediate suspension of the Respondent's license to practice physical therapy in New Jersey without further order until such time as respondent submits satisfactory proof of completion of all required credits.

2. The two (2) continuing education credits taken as part of this action shall not qualify to fulfill the mandatory continuing education requirements for the 2010-2012 renewal period pursuant to N.J.A.C. 13:39A-9.2(d).

3. Respondent is cautioned in the future to obtain the requisite continuing education courses within the preceding renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. and to carefully and truthfully complete all renewal applications

4. Respondent is hereby assessed a civil penalty in the amount of \$250.00 for her failure to obtain the thirty (30) continuing education credits within the preceding biennial licensure renewal period.

5. Payment shall be made by certified check or money

order immediately upon accepting and signing of this Consent Order and sent to the attention of Lisa Petrowski, to the Board of Physical Therapy Examiners, P.O. Box 42014, Newark, New Jersey 07101.

6. Failure on the part of the respondent to pay the civil penalty timely or to comply with any of the terms of this Consent Order constitutes a violation of the Order, proof of which would constitute grounds for further disciplinary action by the Board.

NEW JERSEY STATE BOARD  
OF PHYSICAL THERAPY EXAMINERS

By:

*Karen Wilk* P.T., DPT 40040026000  
~~Nancy Kirsch, P.T., Ph.D., D.P.T.~~  
Chair Karen Wilk, P.T. *(initials)*

I have read and understand the within  
Consent Order and agree to be bound  
by its terms. Consent is hereby given  
to the Board to enter this Order.

*Minerva Fernandez*  
Minerva Fernandez, P.T.

DATED: 12/2/08